

Docket No. F-8518

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Takashi IKI, et al.
Serial No. : 10/518,986
Filed : December 21, 2004
For : PAPER FEED ROLLER AND FABRICATION METHOD
THEREOF
Group Art Unit :
Examiner :
Confirmation No. : 7021
Customer No. : 000028107

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Ricardo Unikel
(Name)

Ricardo Unikel
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PETITION UNDER 37 C.F.R. § 1.42 and § 1.47(a)

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Sir:

Applicant submits this Petition under 37 C.F.R. § 1.42 and § 1.47(a) in the above-mentioned application in response to the Communication of June 15, 2006. Applicant respectfully petitions that the Commissioner accept an application for patent for which an oath or declaration signed by all named co-inventors is unavailable because one of said co-inventors is dead and because the legal representative of the dead co-inventor cannot be found or reached after diligent effort.

Kazuhiro Oosaki is a joint inventor of U.S. Patent Application No. 10/518,986 along with Takashi Iki.

The present U.S. National Stage application was filed on December 21, 2004 and has been accorded Application Serial No. 10/518,986.

An oath or declaration was executed by Takashi Iki and is appended hereto.

Kazuhiro Oosaki, the nonsigning inventor, is dead and his wife, Mrs. Machiko Oosaki (the legal representative of Kazuhiro Oosaki) cannot be found or reached after diligent effort.

The Communication from the U.S. Patent and Trademark Office ("USPTO") dated June 15, 2006 states as follows:

In the event that counsel is seeking relief under BOTH 37 CFR 1.42 AND 37 CFR 1.47(b), the oath or declaration should be prepared for signature on behalf of the deceased inventor by his legal representative (or all of his heirs) per 37 CFR 1.42, and counsel should then provide the appropriate showing under 37 CFR 1.47(b)

why the absence of the signature(s) of the legal representative (or all heirs) should be excused.

An oath or declaration was prepared for signature on behalf of the deceased inventor by his legal representative. As described in the attached Declaration of Toshiji Suga in Support for Petition, an oath or declaration was sent to Mrs. Machiko Oosaki for signature. A copy of such oath or declaration is attached to the Declaration of Toshiji Suga in Support for Petition as Appendix VI.

As described in the attached Declaration of Toshiji Suga in Support for Petition, the oath or declaration could not be delivered to Mrs. Machiko Oosaki by the Japanese Post Office because Mrs. Machiko Oosaki has moved and now has an unknown address.

Since one inventor signed and one did not sign, 37 C.F.R. § 1.47(a) applies in this case. A petition under 37 C.F.R. § 1.47(a) must be accompanied by the following: (1) the fee set forth in 37 C.F.R. § 1.17(g); (2) factual proof that the missing joint inventor refuses to join the application or cannot be found or reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration executed by each 37 C.F.R. § 1.47(a) Applicant on his or her own behalf and on behalf of the non-signing joint inventor. MPEP 409.03(c) states that "37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent

effor, or refuses to make the application." A showing under 37 C.F.R. § 1.47(a) has been fulfilled, as delineated below:

(1) The fee set forth in 37 C.F.R. § 1.17(g) is provided herewith.

(2) The attached Declaration of Toshiji Suga in Support for Petition describes that the oath or declaration and the complete application papers for U.S. Patent Application No. 10/518,986 (including the specification, claims, abstract, and drawings) were sent to Mrs. Machiko Oosaki's last known address. The attached Declaration of Toshiji Suga in Support for Petition also describes that the oath or declaration and the complete application papers could not be delivered by the Japanese Post Office since Mrs. Machiko Oosaki has moved and now has an unknown address. Thus, diligent effort was undertaken to present Mrs. Machiko Oosaki with an oath or declaration and the complete application papers but Mrs. Machiko Oosaki could not be found or reached after diligent effort.

(3) The last known address of Mrs. Machiko Oosaki is:

19-1, Hirota 3-chome, Shino-cho,
Kameoka-shi, Kyoto-hu, 621-0834, Japan.

(4) An oath or declaration executed by each 37 C.F.R. § 1.47(a) Applicant on his or her own behalf and on behalf of the non-signing joint inventor is attached herewith. Such oath or declaration contains the signature of Takashi Iki but does not contain the signature of Kazuhiro Oosaki.

Thus, the requirements stipulated in the Communication dated June 15, 2006 to obtain relief under both 37 C.F.R § 1.42 and 37 C.F.R § 1.47 have been met and Applicant therefore respectfully petitions that the Commissioner accept an application for patent for which a Declaration signed by all named co-inventors is unavailable because one of said co-inventors is deceased and his legal representative cannot be found or reached after diligent effort.

Applicant respectfully requests a one month extension of time for responding to the Office Action. **The fee of \$120.00 for the extension and the fee of \$200.00 for the Petition are provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is

10/02/2006 LLANDGRA 00000039 10518986

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missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

Jordan and Hamburg LLP

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By and,

By Ricardo Unikel
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Enc. Oath or Declaration
Declaration of Toshiji Suga in Support for Petition
Credit Card Payment Form PTO-2038